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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,140	09/22/2003	Naoki Mochizuki	Q77096	5800

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EXAMINER

ADAMS, CHARLES D

ART UNIT PAPER NUMBER

2164

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/665,140	Applicant(s) MOCHIZUKI, NAOKI	
	Examiner Charles D. Adams	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9-22-03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Akagi (US Patent 6,931,421).

As to claim 1, Akagi teaches:

A local database for storing and managing said examinational information data (see 4:74-50); and

Comparing means for comparing examinational information data newly read from said server and examinational information data that have already been stored in said local database with each other, and storing the newly read examinational information data into said local database only when the newly read examinational information data have not been stored in said local database (see 5:45-49).

Art Unit: 2164

As to claim 2, Akagi teaches:

Periodically data reading means for periodically reading said examinational information data from said server (see 5:15-19).

As to claim 3, Akagi teaches:

List displaying means for displaying, on a display unit, a list of examinational information that is produced by merging examinational information data newly read from said server and examinational information data that have already been stored in said local database (see 4:51-53 and Figure 2).

As to claim 4, refer to the teaching of claim 3 above.

As to claim 5, Akagi teaches:

A local database for storing and managing said examinational information data (see 4:74-50); and

Comparing means for comparing examinational information data newly read from said server and examinational information data that have already been stored in said local database with each other, and storing the newly read examinational information data into said local database only when the newly read examinational information data have not been stored (see 5:45-49).

Claim Rejections - 35 USC § 103

Art Unit: 2164

3. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akagi (US Patent 6,931,421) in view of Tipirneni (US Pre-Grant Publication 2004/0257608).

As to claim 6, Akagi teaches:

A terminal connected to said communication link for receiving and outputting examinational information data that have been stored in said server when the medical imaging apparatus is used (see 4:40-46); and

Akagi does not teach:

A communication monitoring device connected to said communication link for logging communication data transmitted between said terminal and said server,

Wherein said communication monitoring device transmits the examinational information data to said data processing apparatus when said communication monitoring device detects reception by said terminal of said examinational information data from said server.

Tipirneni teaches:

A communication monitoring device connected to said communication link for logging communication data transmitted between said terminal and said server (see paragraph [0038], Figure 10, step 352),

Wherein said communication monitoring device transmits the examinational information data to said data processing apparatus when said communication monitoring device detects reception by said terminal of said

Art Unit: 2164

examination information data from said server (see paragraphs [0038]-[0039] and [0041]. The user at the terminal chooses a patient record (examination information) to examine after receiving a list of patient records. The WEBSTAR service will transmit the chosen examination information to the GETPATIENT.ACGI for processing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Akagi by the teaching of Tipireni, since Tipireni teaches that "a medical facility may not have the financial resources or patient volume to support a physician on site at all times; the medical facility may be located in a remote location; or a town may not have a sufficient number of physicians available to be located at each medical facility at all times of the day. As such, when a patient requires medical attention, an experienced physician may not be readily available at a particular medical facility. Accordingly, a system is needed which acquires an image of a patient and transmits the image to a remote location for viewing and analysis by an experienced physician (see paragraph [0006]).

As to claim 7, Akagi teaches a system according to claim 5.

A terminal connected to said communication link for receiving and outputting examination information data that have been stored in said server when the medical imaging apparatus is used (see 4:40-46); and

Akagi does not teach:

A communication monitoring device connected to said communication link for monitoring data communications between said terminal and said server,

Wherein said communication monitoring device sends a command to said server to copy predetermined data included in the examinational information data stored in said server to said local database when data communications between said terminal and said server are detected.

Tipireni teaches:

A communication monitoring device connected to said communication link for monitoring data communications between said terminal and said server (see paragraph [0038]),

Wherein said communication monitoring device sends a command to said server to copy predetermined data included in the examinational information data stored in said server to said local database when data communications between said terminal and said server are detected (see paragraph [0041]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Akagi by the teaching of Tipireni, since Tipireni teaches that "a medical facility may not have the financial resources or patient volume to support a physician on site at all times; the medical facility may be located in a remote location; or a town may not have a sufficient number of physicians available to be located at each medical facility at all times of the day. As such, when a patient requires medical attention, an experienced physician may not be readily available at a particular medical facility. Accordingly, a system is needed which acquires an image of a patient and

Art Unit: 2164

transmits the image to a remote location for viewing and analysis by an experienced physician (see paragraph [0006]).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D. Adams whose telephone number is (571) 272-3938. The examiner can normally be reached on 8:30 AM - 5:00 PM, M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2164

Charles Adams
AU 2164



SAM RIMELL
PRIMARY EXAMINER